

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

CIVIL ACTION NO.: 5:13-CT-3312-BO

ANTON JOHNSON,

Plaintiff,

v.

AMY PHENIX,

Defendant.

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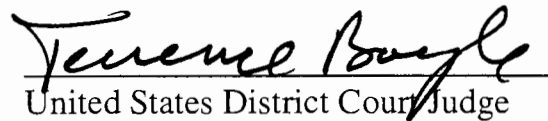
ORDER

THIS MATTER is before the Court on Defendant Amy Phenix's Motion to Dismiss. Having considered the Defendant's Motion and Supporting Memorandum [Docket Nos. 28 and 29], and the applicable law, the Court hereby finds that Defendant is entitled to absolute immunity from Plaintiff's claims. All of Plaintiff's claims arise from statements by Defendant as part of her work for the United States Attorney's Office as an expert forensic psychologist. These statements were presented to this Court as evidence to support the Government's petition to find that Plaintiff is a "Sexually Dangerous Person" pursuant to 18 U.S.C. § 4248. This Court made that finding. Both federal law and North Carolina state law have long held that witnesses are absolutely immune and protected from civil suit arising from their presentation of evidence at a hearing. See Briscoe v. LaHue, 460 U.S. 325, 335-36 (1983); Mathis v. Goldberg, 538 Fed.

Appx. 310, 311 (4th Cir. 2013); Lyles v. Sparks, 79 F.3d 372, 378 (4th Cir. 1996);  
Bailey v. McGill, 247 N.C. 286, 293-94 (1957); Jones v. Coward, 192 N.C. App.  
231, 233-34 (2008).

**IT IS, THEREFORE, ORDERED** that Defendant's Motion is GRANTED.  
Plaintiff's claims in their entirety are dismissed with prejudice pursuant to Federal  
Rule of Civil Procedure 12 (b)(6).

This the 8 day of ~~September~~ <sup>October</sup>, 2014.

  
United States District Court Judge